FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 5442/2007
(Daksharaj Yadaorao Dhopare **Versus** The State of Mah., & others)

Appeal District :
Application No. of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. Moon,Adv. h/f Mr. Khanzode,counsel for the petitioner.
Mrs. Dangre, Additional Government Pleader for the State.
Mr. Mehadia, counsel for the R-3.

CORAM :D.D. SINHA AND
SMT. VASANTI A. NAIK, JJ.

DATED :DECEMBER 17, 2007.

Heard Mr. Moon, counsel holding for Mr.Khanzode, the learned counsel for the petitioner, Mrs. Dangre, the learned Additional Government Pleader for the respondent no. 1 & 4 and Mr. Mehadia, the learned counsel for the respondent no. 3.

The counsel for the petitioner states that in the instant petition, the grievance of the petitioner is limited to grant of advance compensation to be paid to the petitioner for Sweet Lime (Mosambi) trees, which are likely to be cut by respondent no.3 for the purpose of erection of Tower and setting up of Transmission Line. It is also contended by the counsel for the petitioner that the respondent no.3 has already cut 54 trees, however, the

compensation in respect of the same has not yet paid, and therefore, appropriate direction may be given in this regard.

Mr. Mehadia, the learned counsel for the respondent no.3, states that there is no provision to pay advance compensation and as soon as necessary land for erection of Tower by cutting trees is made available, the matter would be referred to the competent revenue officer for assessment of compensation for all the trees which are cut for the said purpose and as soon as the compensation is decided by the revenue officer, the same shall be paid to the petitioner.

In the backdrop of the above referred facts, there is no dispute about the entitlement of the petitioner to receive the compensation for the trees which are cut by the respondent no.3, after it is determined by the competent revenue officer. However, we want respondent no.3 to complete the whole process as early as possible as well as we also expect the competent revenue officer, to whom the issue shall be referred for determination of compensation, to take a decision in this regard at the earliest and communicate the same to the respondent no.3, who should release the amount at the earliest.

With these observations, the writ petition

is disposed of.

JUDGE **JUDGE**

APTE